

1 GARY S. WINUK
2 Chief of Enforcement
3 **FAIR POLITICAL PRACTICES COMMISSION**
4 428 J Street, Suite 620
5 Sacramento, CA 95814
6 Telephone: (916) 322-5660
7 Facsimile: (916) 322-1932

8 Attorney for Complainant

9
10 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

11 **STATE OF CALIFORNIA**

12 In the Matter of) FPPC No.: 09/258
13)
14 RAYMOND N. HAYNES, JR.)
15 RAYMOND P. HORSPOOL JR., AND) **DEFAULT DECISION AND**
16 HAYNES FOR ASSEMBLY 2004,) **ORDER**
17) (Government Code Sections 11506
18) and 11520)
19)
20 Respondent.)

21
22 Complainant Roman G. Porter, Executive Director of the Fair Political Practices Commission,
23 hereby submits this Default Decision and Order for consideration by the Fair Political Practices
24 Commission at its next regularly scheduled meeting.

25 Pursuant to the California Administrative Procedure Act,¹ Respondents have been served with all
26 of the documents necessary to conduct an administrative hearing regarding the above-captioned matter,
27 including the following:

- 28 1. An Order Finding Probable Cause;
- 29 2. An Accusation;
- 30 3. A Notice of Defense (Two Copies);
- 31 4. A Statement to Respondents; and,
- 32 5. Copies of Sections 11506, 11507.5, 11507.6 and 11507.7 of the Government Code.

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38 ¹ The California Administrative Procedure Act, which governs administrative adjudications, is contained in sections 11370 through 11529 of the Government Code.

1 Government Code section 11506 provides that failure of a respondent to file a Notice of Defense
2 within fifteen days after being served with an Accusation shall constitute a waiver of respondent's right
3 to a hearing on the merits of the Accusation. The Statement to Respondents, served on Respondents,
4 explicitly stated that a Notice of Defense must be filed in order to request a hearing. Respondents failed
5 to file a Notice of Defense within fifteen days of being served with an Accusation. Government Code
6 Section 11520 provides that, if the respondent fails to file a Notice of Defense, the Commission may
7 take action, by way of a default, based upon the respondent's express admissions or upon other
8 evidence, and that affidavits may be used as evidence without any notice to the respondent.

9 Respondents violated the Political Reform Act as described in Exhibit 1, and accompanying
10 declarations, which are attached hereto and incorporated by reference as though fully set forth herein.
11 Exhibit 1 is a true and accurate summary of the law and evidence in this matter. This Default Decision
12 and Order is submitted to the Commission to obtain a final disposition of this matter.

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14 Dated: _____

Roman G. Porter
Executive Director
Fair Political Practices Commission

ORDER

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2 The Commission issues this Default Decision and Order and imposes an administrative penalty
3 of \$8,000 (Eight Thousand Dollars) upon Respondents Raymond N Haynes, Jr., Raymond P. Horspool
4 Jr., and Haynes for Assembly 2004, payable to the “General Fund of the State of California.”
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6 IT IS SO ORDERED, effective upon execution below by the Chairman of the Fair Political
7 Practices Commission at Sacramento, California.
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9 Dated: _____

10 Dan Schnur, Chairman
11 Fair Political Practices Commission
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